

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

SEP 15 2006

MARSHALL DIVISION

DAVID J. MALA, ERK  
BY DEPUTY shd

HYPERION SOLUTIONS CORPORATION §

Vs. § CIVIL ACTION NO. 2:04-CV-436

OUTLOOKSOFT CORPORATION §

**VERDICT FORM**

**QUESTION NO. 1:**

Do you find by a preponderance of the evidence that the defendant infringes, contributes to the infringement of, or induces the infringement of, the following claims of the patents with respect to the sale of its software products?

Answer "Yes" or "No" for each asserted claim and each software product separately.

'141 patent:

**Claim 8**

OutlookSoft Everest (Version 1): NO

OutlookSoft Financial Planning and Analysis ("FPA") (Version 2): NO

OutlookSoft Enterprise Analytic Portal ("EAP") (Version 3): NO

OutlookSoft Everest (Versions 4 0, 4 1, and 4 2): NO

OutlookSoft Corporate Performance Management: NO

**Claim 9**

OutlookSoft Everest (Version 1): NO

OutlookSoft Financial Planning and Analysis ("FPA") (Version 2): NO

OutlookSoft Enterprise Analytic Portal ("EAP") (Version 3):

NO

OutlookSoft Everest (Versions 4.0, 4.1, and 4.2):

NO

OutlookSoft Corporate Performance Management:

NO

'608 patent:

Claim 1

OutlookSoft Everest (Version 1):

NO

OutlookSoft Financial Planning and Analysis ("FPA") (Version 2):

NO

OutlookSoft Enterprise Analytic Portal ("EAP") (Version 3):

NO

OutlookSoft Everest (Versions 4.0, 4.1, and 4.2):

NO

OutlookSoft Corporate Performance Management:

NO

Claim 4

OutlookSoft Everest (Version 1):

NO

OutlookSoft Financial Planning and Analysis ("FPA") (Version 2):

NO

OutlookSoft Enterprise Analytic Portal ("EAP") (Version 3):

NO

OutlookSoft Everest (Versions 4.0, 4.1, and 4.2):

NO

OutlookSoft Corporate Performance Management:

NO

If you have answered "Yes" to any part of Question No. 1, then answer Question No. 2. Otherwise, do not answer Question No. 2, but proceed to Question No. 3.

**QUESTION NO. 2:**

Do you find by clear and convincing evidence that such conduct, as you have found in answer to Question No. 1, was willful?

Answer "Yes" or "No."

Answer:

NO

Proceed to Question No. 3.

**QUESTION NO. 3:**

Do you find by clear and convincing evidence that any of the following claims of the patents are invalid?

Answer "Yes" or "No" for each asserted claim separately

'141 patent:

Claim 8: yes

Claim 9: yes

'608 patent:

Claim 1: yes

Claim 4: yes

If you have answered "Yes" to any part of Question No. 1, then answer Question No. 4. Otherwise, do not answer Question No. 4. The jury foreperson should sign and date the Verdict Form and return it to the Security Officer.

**QUESTION NO. 4:**

What sum of money, if any, if paid now in cash, would fairly and adequately compensate the plaintiff for damages for infringement, if any, that you have found in answer to Question No. 1?

Answer in dollars and cents, if any.

Answer: 0.00

SIGNED this 5 day of September, 2006

JURY FOREPERSON